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EXAMINER

MCALLISTER, STEVEN B

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| ART UNIT | PAPER NUMBER |
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3627

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,207

Applicant(s)

KAHLE ET AL.

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-85 is/are pending in the application.
- 4a) Of the above claim(s) 66-85 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Invention I, claims 45-65 in the reply filed on 1/12/2006 is acknowledged.

Claims 66-85 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/12/2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-65 are rejected under 35 U.S.C. 103(a) as being obvious over RUSure.com web pages in view of Ng (6,405,175).

RUSure shows a client program that runs on user computers in conjunction with browsing software and presents supplementary information associated with web pages accessed by users; a data server that communicates over a network with the user computers running the client program and sends supplementary information to the user computers.

RUSure does not show the system providing a first user the option to complete and submit a form requesting at least on type of product-specific data; and a second user is provided an option of viewing the product-related data submitted by the first user.

Ng shows a first user having the option to complete and submit a form requesting at least on type of product-specific data (see e.g., Abstract, Fig. 3, col. 3, lines 60-65; col. 6, lines 20-36); and a second user being provided with an option of viewing the product-related data submitted by the first user (see e.g., col. 8, lines 33-60). It would have been obvious to one of ordinary skill in the art to modify the apparatus of RUSure by providing the option to enter data by a first user and have that data viewed by a second user in order to provide a more complete and self-correcting database of product information.

As to claim 46, RUSure in view of Ng shows a toolbar that displays an indication that a web page currently being viewed includes a supplementary product description (e.g., the "Compare" indicator under "What is the Shopping Bar" in RUSure).

As to claims 47 and 49, RUSure in view of Ng shows a web page analyzer comprising the automated data acquisition module 32, which analyzes web pages to determine if the web pages show descriptions of products.

As to claim 48, RUSure in view of Ng shows all elements except that the analyzer is implemented at least in part with the client program. However, it would have been an obvious matter of design choice to do so since that disclosure does not show that the location of the implementation solves any particular problem or is for any

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specific purpose and it appears that system would function equally well in either configuration.

Alternatively, as to claims 47 and 48, RUSure in view of Ng show a web page analyzer working at least in part from the client which analyzes web pages to determine if it is a supported web page providing product description.

As to claims 50 and 51, RUSure in view of Ng show a database used to analyze whether a website describes a product, the database being automatically populated by a data generation module.

As to claims 52 and 53, RUSure in view of Ng shows all elements (see e.g., col. 8, lines 50-60).

As to claim 54, a field for the Url is shown (e.g., Fig. 3).

As to claims 55-58, RUSure in view of Ng shows all elements except providing for suggesting related products, the product's web page and text regarding the recommendation and rating the recommendation. However, the examiner takes official notice that to provide this information is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method of RUSure by providing this additional functionality in order to help the user identify, locate and evaluate items that might be needed or wanted in addition to the recommended item.

As to claim 59, RUSure in view of Ng shows a field for specifying a web address of a store (e.g., Fig. 3).

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As to claim 60, RUSure in view of Ng shows all elements of the claim except requesting a reason for the recommendation. However, the examiner takes official notice that it is notoriously old and well known in the art to request and provide reasons for the recommendation of a store. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of RUSure by doing so in order to allow users to better evaluate the recommendations.

As to claim 61, RUSure in view of Ng shows all elements of the claim except prompting users to specify whether they have an interest in the recommendations. However, the examiner takes official notice that to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of RUSure by prompting users to specify whether they have an interest in a recommendation in order to provide feedback on the recommendations.

As to claim 62, RUSure in view of Ng shows submitting at least an identifier (URL) of a store selling the item.

As to claims 63, RUSure in view of Ng shows all elements except providing a shopping cart to the client, such that a user can add items to the cart across multiple web sites. However, the examiner takes official notice that to provide such a shopping cart is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of RUSure by providing a shopping cart to the client that allows a user can add items to the cart across multiple web sites in order to reduce the number of times the user must go through a "check out" process.

As to claim 64, RUSure in view of Ng shows all elements of the claim (see linking to auctions under "More" button of RUSure).

As to claim 65, RUSure in view of Ng shows all elements.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (571) 272-6785. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven B. McAllister

Steven B. McAllister
Primary Examiner
Art Unit 3627

STEVE B. MCALLISTER
PRIMARY EXAMINER